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Remarks

In reply to the above-identified Office Action, Applicant amends the application and seeks reconsideration thereof. In this reply, Applicant amends claims 1 and 8, and adds new claim 12. Applicant does not cancel any claims. Accordingly, claims 1-12 are pending. The amendments are supported by the originally filed specification, drawings and claims.

I. Claims Rejected under 35 U.S.C. § 103

The Examiner rejects claims 1-4 and 7 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,641,487 issued to Hamburger ("*Hamburger*") in view of U.S. Patent Application Publication No. 2002/0193184 filed by Currie et al. ("*Currie*") and Applicant's alleged admission. Applicant respectfully traverses the rejection, but amends claim 1 to expedite prosecution.

Applicant submits *Hamburger* teaches "a golf club adapted to alter the weight characteristics of the head, as well [as] adapted to receive one of a plurality of replaceable faceplates" (*Hamburger*, Col. 1, lines 36-38). As such, the disclosure of *Hamburger* is primarily concerned with the club head and the club head's faceplate. Furthermore, in reviewing *Hamburger* in its entirety, Applicants agrees with the Examiner that *Hamburger* fails to teach or suggest a hosel boss as recited in claim 1. The Examiner relies on the disclosure in *Currie* to cure the defects of *Hamburger*, however, Applicant submits *Currie* fails to cure such defects.

Currie discloses "a fitting method to provide input for the manufacturer of a custom made putter to suit the physiology of an individual golfer" (*Currie*, paragraph [0002]). With reference to the hosel, *Currie* states:

At the bottom of the putter's shaft is the hosel. The hosel connects the bottom of the putter's shaft to the putter's head. ...The bottom of the club shaft may either be received in the top of the hosel or

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the top of the hosel may be inserted into the hollow interior of the putter's shaft. Alternatively, an interconnecting insert piece may be inserted in the top of the hosel and also into the hollow portion of the club shaft. Some golfers prefer a short hosel, while others prefer a long hosel. The hosel length affects the golfer's visual perception of the putter's head when it is lined up against a stationary golf ball in preparation for a putting stroke. (paragraph [0029]).

Thus, Applicant submits that the disclosure in *Currie* is directed towards the length of the hosel, which is different than obstructing the golfer's view of the hosel.

In making the rejection, the Examiner states that "Currie discloses a fitting method for a custom made putter wherein the hosel is bent to accommodate the aiming tendencies of the user (see Paragraph 0109). One having ordinary skill in the art would have found it obvious to plastically deform the hosel, as taught by Currie et al., in order to accommodate the user's aiming tendencies" (*Paper No./Mail Date 20050819*, page 2). The section of *Currie* cited by the Examiner states:

Based upon the measured directional aiming tendency (either to the right or to the left) of the individual golfer determined by using a laser sighting device such as the one described below, the putter's hosel is bent for the appropriate offset distance and loft angle. Offset distance and loft angle are added for left aim tendencies, offset distance and loft angle are reduced for right aim tendencies. The exact size of the lie angle is determined by placing the fitting putter 300 in the bending vice 11 as shown in FIG. 9. By placing the toe 318 of the fitting putter's head 306 against the abutment plate 21, the angular gauge bar 70 can be moved so that it is parallel with the shaft 318 of the fitting putter 300. The position of the pointer 72 at the end of the angular gauge bar 70 against the arcuate scale 74 provides a reading of the size of the lie angle. The difference of the measured lie angle from the standard 72.degree. is used to enter the chart 700 shown in FIG. 10 whose use will be explained below. (paragraph [0109]).

Thus, this section teaches adjusting the offset distance of the hosel and loft angle of the striking surface to compensate for the golfer's tendency to aim left or right. Applicant submits that there

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is no teaching or suggestion in this section of the hosel being obscured from view. Moreover, one of ordinary skill in the art knows that offsetting the hosel and changing the face angle does not teach obscuring the view of the hosel because it is common to offset the angle of the hosel and change the loft angle of a putter, but until Applicant's invention, the leg has been visible to the golfer at address. Thus, neither *Hamburger*, *Currie*, the ordinary skill in the art, nor any combination thereof, disclose or suggest at least "that said leg portion remains concealed by said boss when said club head body is oriented so that said body axis is substantially parallel to a playing surface and viewed from directly above said club head body," as recited in claim 1.

The failure of the combination of *Hamburger* and *Currie* to disclose or suggest each of the elements of claim 1 is fatal to the obviousness rejection. Therefore, claim 1 is not obvious over *Hamburger* in view of *Currie*. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 1.

Regarding the rejection of claims 2-4 and 7, these claims each directly or indirectly depend from claim 1 and contain all of the elements thereof. Therefore, Applicant submits claims 2-4 and 7 are not obvious over *Hamburger* in view of *Currie* at least for the same reasons of claim 1, as well as in view of their own respective features. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 2-4 and 7.

The Examiner rejects claims 5 and 6 under 35 U.S.C. § 103(a) as being obvious over *Hamburger* in view of *Currie* and in further view of Japanese Publication JP 02-068080 submitted by Chuzo ("*Chuzo*"). Applicant respectfully traverses the rejection, but amends claim 1 to expedite prosecution.

In making the rejection, the Examiner characterizes *Hamburger* and *Currie* similar to the characterization above. Applicant discussed *Hamburger* and *Currie* above and submits the

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discussion above regarding neither *Hamburger*, *Currie*, the ordinary skill in the art, nor any combination thereof, teach or suggest at least "that said leg portion remains concealed by said boss when said club head body is oriented so that said body axis is substantially parallel to a playing surface and viewed from directly above said club head body" is equally applicable to claims 5 and 6 since claims 5 and 6 depend from claim 1 and contain all of the elements thereof. The Examiner relies on *Chuzo* to cure the defects of *Hamburger* and *Currie*, however, Applicant submits that *Chuzo* fails to cure such defects.

In making the rejection, the Examiner characterizes *Chuzo* as showing "a putter having a hosel with a horizontal portion 2 wherein the leg portion of the hosel is rectangular (See Abstract and Figure 3)" (*Paper No./Mail Date 20050819*, page 3). The Examiner does not cite *Chuzo* as disclosing or suggesting that "said leg portion remains concealed by said boss when said club head body is oriented so that said body axis is substantially parallel to a playing surface and viewed from directly above said club head body" as recited in claim 1. Moreover, Applicant has reviewed *Chuzo* in its entirety and cannot discern any sections of *Chuzo* that disclose or suggest such elements. Therefore, neither *Hamburger*, *Currie*, *Chuzo*, nor any combination thereof, fails to disclose or suggest each of the elements of claims 5 and 6.

The failure of *Hamburger*, *Currie*, and *Chuzo* to teach or suggest each of the elements of claims 5 and 6 is fatal to the obviousness rejection. Therefore, claims 5 and 6 are not obvious over *Hamburger* in view of *Currie* and *Chuzo*. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 5 and 6.

The Examiner rejects claims 8-11 under 35 U.S.C. § 103(a) as being obvious over *Hamburger* in view of *Currie*, The Modern Guide to Golf Clubmaking authored by Jackson ("*Jackson*"), and Applicant's alleged admission. Applicant respectfully traverses the rejection.

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Among other elements, claim 8 defines a method of customizing a golf putter comprising the steps of "said leg portion is concealed by said boss when said club head body is oriented so that said body axis is substantially parallel to a playing surface and viewed from directly above said club head body" similar to claim 1 discussed above. Applicant has discussed above the failure of the combination of *Hamburger* and *Currie* to teach or suggest similar elements recited in claim 1, and submits that the discussion is equally applicable to claim 8. Therefore, *Hamburger* in view of *Currie* fails to teach or suggest all of the elements of claim 8. The Examiner relies on *Jackson* to cure the defects of *Hamburger* and *Currie*, however, Applicant submits *Jackson* fails to cure such defects.

In making the rejection, the Examiner characterizes *Jackson* as showing "a method for customizing a golf club head comprising providing a golf club head including a club head body having a body axis wherein a shaft or shaft connecting portion is attached to the club head, determining a target lie angle, and adjusting the lie angle to the target lie angle by plastically deformation" (*Paper No./Mail Date 20050819*, page 5). The Examiner does not cite *Jackson* as showing a "leg portion is concealed by said boss when said club head body is oriented so that said body axis is substantially parallel to a playing surface and viewed from directly above." In addition, in reviewing *Jackson* in its entirety, Applicant is unable to discern any sections of *Jackson* showing such elements. Therefore, *Jackson* fails to teach or suggest each of the elements of claim 8.

The failure of *Hamburger* in view of *Currie* and *Jackson* to teach or suggest each of the elements of claim 8 is fatal to the obviousness rejection. Therefore, claim 8 is not obvious over the cited references. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 8.

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Regarding the rejection of claims 9-11, these claims each directly or indirectly depend from claim 8 and contain all of the elements thereof. Therefore, Applicant submits claims 9-11 are not obvious over the cited references at least for the same reasons of claim 8, as well as in view of their own respective features. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 9-11.

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CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that all of the currently pending claims 1-12 (11 total claims, 3 independent claims) properly set forth that which Applicants regard as their invention and are allowable over the cited prior art.

Accordingly, Applicants respectfully request reconsideration and allowance of all pending claims. The Examiner is invited to telephone the undersigned at (602) 382-6389 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814, for which purpose a duplicate copy of this sheet is attached. **This statement does NOT authorize charge of the issue fee.**

Respectfully submitted,

Dated: 11/9/05By: 

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